



THE CITY OF NEW YORK
LAW DEPARTMENT

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March 2, 2022

BY ECF

Honorable Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Harry Ioannou v. City of New York, et al.,
21-CV-07270 (LGS)

Your Honor:

I am the attorney in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Terence Monahan, Dermot Shea, and Bill de Blasio (collectively “defendants”) in the above-referenced matter. I write to respectfully request that the Court: (1) adjourn the March 16, 2022 deadline for the parties to submit a joint letter and proposed case management plan; and (2) adjourn the initial pretrial conference, presently scheduled for March 23, 2022 at 4:30 p.m., until such time after the parties fulfill all requirements as set forth by Local Civil Rule 83.10 (the “PLAN”). Plaintiff consents to these requests.

By way of background, the Complaint alleges that, on May 31, 2020, plaintiff was in the vicinity of 131 Bowery Street, New York, NY, when he encountered a group of protestors and was subsequently subjected to excessive force, falsely arrested, and issued a baseless summons by New York City Police Department officers. *See* Compl. ¶ 12-14. Plaintiff also asserts a claim against the City pursuant to Monell v. Department of Social Services, 436 U.S. 658 (1978). Pursuant to the Order entered by the Court on August 31, 2021, this matter is to proceed pursuant to the PLAN.

On December 27, 2021, defendants answered the Complaint. On January 4, 2022, pursuant to the PLAN, a mediator was assigned to the matter and a mediation is scheduled to take place on March 31, 2022 beginning at 10:00 A.M. Plaintiff has since provided defendants with a demand and defendants intend to convey an offer in advance of the scheduled mediation.

On February 7, 2022, plaintiff filed an Amended Complaint, terminating former defendant Police Officer Christopher Morales¹ from the action and naming David Porras. Pursuant to the Court's March 1, 2022 Order, plaintiff is to file a letter by March 8, 2022 regarding the status of service on Defendants. At this time the only named defendant to be served is David Porras. On March 2, 2022, plaintiff's counsel informed the undersigned that service has been arranged for and plaintiff is equally awaiting an update regarding whether service has been effectuated on David Porras. Plaintiff's counsel indicated that he will provide the undersigned with an update regarding service as soon as he is able.

Defendants now request an adjournment of the above-referenced deadline and the March 23, 2022 initial pretrial conference in order to proceed in accordance with the PLAN. More time is currently needed to allow the parties to participate in the PLAN's scheduled mediation. As such, it would be a more efficient use of the parties' and the Court's time to submit a case management plan and attend an initial conference after the parties have had an opportunity to complete the requirements as set forth in the PLAN.

Accordingly, for the reasons set forth above and with plaintiff's consent, defendants respectfully request an adjournment of the deadline for the parties to submit their joint letter and case management plan and adjournment of the March 23, 2022 initial pretrial conference, until such time after the parties have completed the requirements of the PLAN. Defendants thank the Court for its time and attention to this matter.

Respectfully submitted,

Elida M. Alfaro /s/

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cc: BY ECF

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The application for an adjournment is **GRANTED**. The initial pretrial conference scheduled for March 23, 2022, is **adjourned sine die**. By **April 7, 2022**, the parties shall jointly file a status letter stating whether mediation was successful. The Clerk of Court is respectfully directed to close the motion at Docket No. 32.

Dated: March 3, 2022

New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

¹ Previously being sued as "John Morales," the name John being fictitious. However, upon information and belief, service was effectuated on Officer Christopher Morales on or about September 29, 2021.